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ABSTRACT

Polish library legislation enacted since World War II is directed to the establishment of a library network, centralized in concepts and goals, but decentralized in administration and operation. Dating from 1774 when the Commission for National Education first issued regulations for schools and libraries, there has been continuous legislative interest in libraries except for the Tsarist repression of 1820-1918. An enabling decree for library legislation in 1946 was followed in 1960 by a library act formulating organizational principles of contemporary library science and establishing a national library network of scientific, professional, school, academic and public libraries. The act fixes organizational responsibilities, avoiding detailed operative procedures, while establishing primary goals for the national network and individual libraries. It allows library administrators and librarians freedom to set local objectives and establish procedures most applicable to local conditions. A State Library Council assists the directive body, The Ministry of Culture and Art: by evaluating library practices and conditions and recommending appropriate library legislation. The Association of Polish Librarians is a professional body which conducts lectures and meetings, as well as publishing scholarly works, periodicals, and journal articles to support the goals of the Library Act. (RAA)

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Library Legislation as a Research Subject

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LIBRARY LEGISLATION AS A RESEARCH SUBJECT

We shall devote our attention to library legislation as a part of research into library science. Our purpose is to point to some methodological aspects in which library legislation can be examined. As an example we shall take Polish library legislation; this does not however mean that Polish studies realize all mentioned aspects in the same degree. Interest in library legislation is due to more general processes which occur in library organization both in particular countries and in the international situation. As an example can be mentioned here a study by Frank M.Gardner "Public Library legislation" Paris 1971, which attempts a comparative treatment of the issue in the international scale. A similar character has a Polish study of Wanda Dąbrowska "Nowoczesne ustawodawstwo w zakresie bibliotek publicznych" (Modern Public Library Legislation) Warszawa 1929. Throughout the inter-war period it was a first study to present problems of library legislation in various countries and inspire works in this field in Poland.

1. Historical aspect

Polish library legislation is connected closely with the works of the Commision for National Education formed in 1773. Including library matters into the state activities resulted from reforms of organization of Polish catholic education pertaining to the schools run by Piarists after 1750. Referring to pedagogical concepts of Jan Amos Komenski (1592 - 1670) Stanisław Konarski, a Piarist, gave to book an important place in teaching process and emphasized meaning of individual

critical reading. School library and reading were considered by S.Konarski as most important instruments in teaching and character building.[1]

The activity of the Commission for National Education in a library field was based on Konarski's concepts but its extent was much larger. The Commission for National Education supervised all kinds of libraries except church and private ones, that is: Załuskis' Library - first scientific library of public character, library of School for Knights, libraries of voivodian, parochial (secular and ecclesiastical) schools, boarding schools, etc. Together, the collections supervised by the Commission for National Education counted sone 500 thousand volumes in which 350 thousand were in the Załuskis' Labrary.[2] During its 20-year activity the Commission (fulfilling then the functions of the first ministry of education in Poland) issued in 1774 first regulation concerning library matters in Poland.

In the European history of libraries the next act pertaining to libraries was given by French Revolution. Ecclesiastical library collections owned by aristocracy and nobles were given to public use by a special revolutionary decree of 1792.[3] Several years later (in 1806) in the Netherlands was issued an official library act, and in 1849 a similar act was issued in Austria.[4] In 1850 British Parliament, first in the world adopted a library act.

1/ Konarski Stanisław: Ustawy szkolne. Kraków 1925

2/ Łodyński Marian: U kolebki polskiej polityki bibliotecznej. Warszawa 1935 p.26.

3/ Hassenforder Jean: Développement comparé bibliothèques en France, en Grande Bretagne et aux Etats-Unis dans la seconde moitié du XIX siècle (1959-1914). Paris 1966.

A main common feature of library legislation of the Commissio for National Education and next (after the partitions of Poland and during the Napoleonic wars) of the Chamber of Education (1807) in the works of which Stanisław Staszic participated, of the Educational Directory (1812) and of the Governmental Commission of Religious Creeds and Public Education (1817) consisted in perceiving libraries in close connection with education, integral treatment of school and public libraries and a distinct trend to subordinate them to one central body. These trends exist also in present considerations on library directing and managing.

Successful growth of education and libraries lasted until 1820; in that year had place a change of the Tsarist policy towards the Kinfdom of Poland which expressed itself in political interference in education and strict supervision of libraries. The fall of the November Uprising in 1831 followed by more severe Russian repression stopped legislative activity in the library field. The activity came to life again in 1918 after regaining of independence by Poland.

Throughout the years of the II Republic (1918-1939) libraries developed quickly. Their growth was connected with organization of educational system, and specially with growth of higher education and scientific institutions. The librarian milieu solicited adoption of library act for public libraries. Successive projects were presented to the Government but no positive decision was taken. The Polish State struggled with economic and social troubles. Violent discussions were held on successive projects of library act prepared by the Union

of Polish librarians.[5] Librarians supported library legislation; its opponents recruited from among representatives of various political and social organizations. Experience of the Commission for National Education were too remote to refer to. The People's Poland brought about a meaningful change in this field. The first legislative act was decree of April 17th 1946 on libraries and care of library collections. Its provisions were moderns and far-reaching and the continuity of historical thinking was kept: the decree subordinated all libraries to the Ministry of Education and treated them in an integral manner within the framework of the national library network.

2. Legal aspect

The Decree of April 17th 1946 followed long lasting solicitations of librarians during the II Republic. The Decree postulated the entrustment of the state with the duty of setting up and keeping libraries. In comparison with the inter-war period when projects concerned public libraries only, the Decree pertained also to school and scientific libraries. The next act developing provisions of the Decree was Library Act of April 9th 1968. The Act constitutes an integral part of the state cultural and educational programme. The programme covers educational, cultural, health and social welfare matters. The state attaches great importance to culture and its spreading; the above fact is proved by regulating library matters with a bill, as in the system of the sources of Polish law a bill takes place next after the Constitution. "A superior character of a bill results not

5. Kołodziejska Jadwiga: Publiczne bibliotek samorządowe w okresie międzywojennym. Warszawa 1967.

only from the text of the Constitution, but also from the fact that is is a normative law enacted by the supreme body of the state authority - the Diet... As the Constitution assures superiority of bills, they are the efficient tools of the Diet which determine direction of whole law. Bills determine the contents of other normative laws because all other normative laws should be based upon their authorization."[6]

Thus all regulations of lower rank, such as resolutions. enactments and instructions cannot contradict the Library Act and should continue its contents.

As the Library Act formulates organization principles of contemporary librarianship set in the national library network of scientific, professional, school, pedagogical and public libraries and where are subordinated partly trade union, military and hospital libraries; no act of lower rank can discharge a library or a complex of libraries from the duty to collaborate in basic activities of the national library network. The article 2 section 4 of the Act reads: "Libraries are obliged to collaborate in gathering, storing, processing and circulating their collections; in making and spreading bibliographic and documentation information, in science and research activity, and in training and professional improving library staff".[7] Studies on functioning of various types of libraries should take into consideration a degree of realization of the Act provisions.

3. Organization aspect

The Library Act contains general indications concerning

6/ Wiszniewski Jerzy: Elementy prawa. Warszawa 1977 PWN p.96

7/ The Act of April 9th 1968. Dziennik Ustaw no 13 item 63.

libraries activity. While defining competences of the Ministry of Culture and Art it rather formulated directions than defines in detail organization principles of library work. Its principal advantage is treating all libraries in a complex manner and specifying the most important tasks to be fulfilled by an individual library and by whole national network at the same time.

The Act treats all libraries as a system that is a network of libraries of various types.

The Library Act gives to library administrators, directors and all milieu freedom to work out principles and structured of organization convenient for particular types of libraries. This is a positive element as there is no worse thing as an attempt to cover with an act of such high rank all details and thus force upon from outside ready organization schemes. Librarians know well social conditions having an impact on libraries growth and have great practical experience as far as effectiveness of forms of organization in particular types of libraries is concerned. Still, a high degree of generality in structure of organization of libraries has its disadvantages. Lack of standards defining in a uniform manner material conditions necessary for efficient work of a library or a complex of libraries is one of them. By material conditions we mean size of library premises, budget, collections, new books, selection, number of staff and their professional qualifications, etc. This lack may cause a danger that material needs of libraries have to give way to other requirements. Thus, gaining premises, funds and personnel depend on initiative and energy of library managers, namely of administrative units in particular departments.

The Minister of Culture and Art supervises realization of provisions of the Act through the Department of Libraries, Centers of Culture, and Social and Cultural Activity. He undertakes many steps to integrate the work of libraries of various types and is concerned in collaboration between units supervising libraries in particular departments.

An important part is played here by the State Library Council, an advisory and consultative body of the Minister. The Council works on preparing and publishing executive acts for the Library Act, initiates research into their efficiency in library practice. Many of these works are conducted in the National Library, the largest central library in Poland which carries out substantial works concerning the national library network and public libraries. On the initiative of the State Library Council the National Library prepared the Report on Polish Libraries[8] and Programme of Development of Polish LIbrarianship up to 1990.[9] Both papers were the first ones to characterize situation in the Polish librarianship and to formulate concrete proposals useful in shaping of library policy in the country; they precised and showed way to improvement of activities of the national library network, prepared detailed plans for development of libraries subordinated to various departments and for strengthening functional links between various groups and networks of libraries.

The Association of Polish Librarians contributed largely

8/ Raport o stanie biliotek polskich. Warszawa. 1973

9/ Program rozwoju bibliotekarstwa polskiego do 1990 r. Warszawa 1977.

to realization of LIbrary Act. Its share consisted of individual and team work carried out in libraries, scientific and research institutions namely in the Institute of Book and Lecture of the National Library, and in centers of librarians training. As examples of works done in recent years can serve: Biographical Dictionary of Book Workers, Encyclopaedia of Knowledge of Book, Encyclopaedia of Polish Contemporary Librarianship, numerous publications presenting results of research into organization of libraries and lectureship, contents of professional library periodicals, namely that of the Librarian Revue.

4. Sociological and psychological aspect

The Library Act can be considered on sociological, logical, linguistic, psychological levels and in the light of the organization and management theory. Empirical knowledge on these levels is rather poor, as the contemporary law refers rarely to methodological assertainments typical for these sciences. An exception are here research methods of sociology more and more often used in law science.

"... law works in such way - writes Adam Podgórecki - that people who take into account recommendations of legal standards act or not accordingly to them. Thus law works as long as it is reflected in human behaviour..."[10] As far as the Library Act is concerned the above remark is very important; it is known that formulations of the Act caused always controversies among representants of some departments. Some of them hoped the Act will regulate in details functioning of libraries, others feared centralization and interference of department of culture into matters of library networks. Librarian practice

10/ Podgórecki Adam : Socjologia prawa. Warszawa 1962 p.27

in Poland shows that centralization of management is supported if it does not lessen competences of libraries and networks. Centralization means in most cases subordination of organizatio functional links have not yet sound traditions and are not taken into account seriously by librarian milieu.

These issues are close to psychological aspect of the Act, as each legal act causes determined psychological positive or negative reaction. If the provisions of the Library Act slow down certain organization steps then the Act is considered to be conservative and its novelization is postulated as if words of an act could settle automatically effectiveness of those steps. If the Act helps in library work, the interested become convicted its rules are right. Unfortunately, we know little of knowledge on the Library Act among librarians, administrators responsible for libraries, political and cultura activists. Examinations, colloques and discussions held for large and smaller groups show that the level of knowledge is rather differentiaited. Legal culture appears not only in positive attitude towards library legislation but also in knowledge of its enactments and keeping to them. A linguistic level has its meaning here too. Denominations such as library co-operation, direct and indirect supervision, and even national library network are not univocal and evident for all. Last decades brought in library science many new terms and expressions. Words adopted from informatics, management theory are more and more frequent, still this does not mean they make understanding of new processes easier.

Library legislation has played an important part in integrat ing libraries of various types in Poland. It had started in

pace with social and cultural developments occurring nowadays in the country. legislation can be an interesting contribution to comparative studies both in historical and contemporary aspects. Studies on organization aspect of libraries should consider the library Act as a guide line for construction of models of libraries. Such works are carried out for public libraries. In decentralized management of libraries the Library Act is a principal and virtually unique substantial link in the national library network.